



was an error which delayed her start date and made her ineligible for this examination. She also appeals the admittance of three other candidates.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)1 provides that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

The underlying purpose of “time in grade” requirements, as reflected at *N.J.A.C.* 4A:4-2.6(a)1, is to promote and advance those individuals, who through their service, have gained the needed experience and knowledge to warrant promotion. Thus, absent administrative error or delay, any award of retroactive seniority that includes, as an additional remedy, the right to sit for a promotional examination without having the actual “time-in-grade” in the title to which the examination is open would undermine this important public policy.

As the appellant falls 1 month, 17 days short of the requirement, she was appropriately found to be ineligible. The appellant could not be appointed from an incorrect or invalid certification or certification process. The appellant does not meet the requirements for the current announcement, and the fact that her name appeared on a cancelled certification does not provide her with an entitlement to eligibility in the instant matter. All candidates must still meet the requirements on the announcement. Further, no vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998). Additionally, it is appropriate that administrative errors be corrected, and they can be corrected at any time.

In that respect, the records of the three candidates that the appellant claims are ineligible were reviewed, and two were found to be eligible. The third had been admitted based on an administrative error. That was corrected, and he was found ineligible and was not given the examination.

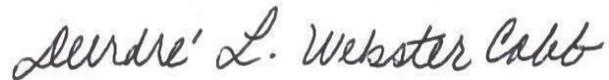
Accordingly, a thorough review of the record indicates that the appellant has failed to demonstrate that she met the announced requirements for eligibility by the examination closing date is amply supported by the record and she provides no basis to disturb this decision.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2021



---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Jerrica Spence  
Tony Desimone  
Division of Agency Services  
Records Center